

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:	)	
PROCEDURES FOR THE FILING,	)	STANDING ORDER
SERVICE, AND MANAGEMENT OF	)	M10 468
HIGHLY SENSITIVE DOCUMENTS	)	21-mc-0006
	)	

**WHEREAS**, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

**WHEREAS**, the Court does not allow parties to file sealed documents on the Case Management/Electronic Case Filing (“ECF”) system in criminal cases;

**WHEREAS**, since February 3, 2020, this Court has allowed parties to file sealed documents on the ECF system in civil and miscellaneous cases, subject to appropriate restrictions on viewing;

**WHEREAS**, during that time, this Court has also allowed parties in civil and miscellaneous cases to request leave to file a document in paper form, and not on the ECF system, if they had reason to believe the document should not be electronically filed;

**THE COURT FINDS** that, pursuant to Fed. R. Civ. P. 5(d)(3)(A), good cause exists to allow parties to file highly sensitive documents in civil and miscellaneous cases outside of the ECF system.

**THEREFORE, IT IS HEREBY ORDERED** that, effective as of the date of this order and until such time as the Court orders otherwise, the filing of highly sensitive documents in civil and miscellaneous cases shall be subject to the procedures and requirements set forth below. This Standing Order supersedes any and all inconsistent provisions in existing local rules or other standing orders of this Court.

**1. Documents Subject to this Standing Order**

Subject to approval by the Court in accordance with the procedures set forth below, a document may be deemed a Highly Sensitive Document (“HSD”) if the S.D.N.Y. ECF Rules and Instructions otherwise permit the document to be filed on the ECF system and:

- a. it contains classified information or information that could harm national security;
- or

- b. its disclosure could reasonably be expected to cause exceptionally grave damage or injury to any person, entity or institution.

**2. Filing and Service of HSDs**

- a. HSDs may be filed in paper form and will be maintained by the Clerk of Court under seal in a secure paper filing system.
- b. Any party seeking to file a document under seal as an HSD shall follow the procedures set forth in [Sections 6.16 and 6.17 of the S.D.N.Y. ECF Rules and Instructions](#).
- c. The filing party shall serve the HSD by any manner specified in Fed. R. Civ. P. 5(b)(2), except for service via the ECF system.

**3. Highly Sensitive Court Orders**

If a judge determines that a court order contains highly sensitive information, the Clerk of Court will file and maintain the order in a secure paper filing system, and paper copies of the order will be served on the parties via mail.

**4. Removal of Existing HSDs from the ECF System**

Upon motion of a party in accordance with the procedures set forth above or upon its own motion, the Court may determine that a document that was previously filed electronically qualifies as an HSD and direct that the HSD be removed from the ECF system and filed in accordance with the procedures set forth above.

**IT IS SO ORDERED**, this 8<sup>th</sup> day of January, 2021.



---

Colleen McMahon  
Chief United States District Judge  
Southern District of New York